

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<b>THE UNITED STATES</b>  <b>vs.</b>  <b>GARLAND REX BRINLEE, JR., and</b> <b>ARCHIE DALE MILLER</b>	<b>For U. S.:</b> <b>Ben F. Baker</b>   <b>For Defendant:</b> <input checked="" type="checkbox"/> <b>Mallie M. Norton (Ret.) (Miller)</b> <b>3545 E. 51st St.</b> <b>Tulsa, Okla. 74135 747-8031</b>  <b>John K. Hanlin, Tom Frasier (Ret.) (Brinlee)</b> <b>(Appt) (Brinlee) Pythian Bldg., Tulsa, 74106</b>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 5-31-72 3-16-72 Brinlee J.S. 3 mailed 9-30-72 Miller Conspiracy, explosive materials, firearms Violation 1-3-73 Suppl Miller Title 18 26 Sec. 371, 842(h) & 844(a) 5861(d) & 5871 & 5861(f)  (5 Counts)	Clerk  Marshal  Docket fee				

DATE	PROCEEDINGS
5-3-72	Indictment, filed in open court. hm
5-3-72	Record vote of the grand jury, filed in open court. hm
5-3-72	Warrant issued as to deft. Brinlee; Bail set at \$25,000. hm
5-3-72	Warrant issued as to deft. Miller; Bail set at \$10,000. hm
5-5-72	Petition for writ of habeas corpus ad prosequendum, filed. rm (Brinlee)
5-5-72	Order granting Writ of HC ad prosequendum. (AEB-J)rm 4 copies mailed
5-5-72	Writ issued. rm (for deft. Brinlee).
5-5-72	Appearance bond of the deft. Miller in the amt. of \$10,000 (10% cash), filed. hm
5-5-72	Order specifying methods and conditions of release, filed. hm
5-9-72	Deft. <u>GARLAND REX BRINLEE, JR.</u> appears in person and rep. by Tom D. Frasier, Ret. Govt. rep. by Ben F. Baker. Defendant acknowledges receipt of Indictment and waives reading of it. Deft. is advised of charge, is arraigned and enters a plea of NOT GUILTY as to Counts 1, 2, 3, 4, and 5. Deft.'s atty. asks Court to retain Deft. in Tulsa, Okla. for three (3) days for consultation before returning him to McAlester. and Court so grants. Deft. is given 30 days to file motions and the case is set on the Fall docket for sentencing. Deft. remanded to U.S. Marshall. (AEB-J)v. (Cover) <b>JURY TRIAL.</b>

DATE	PROCEEDINGS
5-9-72	Deft., <u>ARCHIE DALE MILLER</u> , appears in person and is rep.; Govt. rep. by Ben F. Baker. Deft. acknowledges receipt of Indictment and waives the reading of it. Deft. is advised of charge, is Arraigned and Enters a Plea of Not Guilty, and case is set on the Fall docket. Deft. to stand on present bond. Deft., rep. and govt. rep., returns for a Change of Plea. Deft. acknowledges receipt of Ind., and Ind. & overt acts are read. Deft. is advised of charge, is Arraigned and enters a plea of GUILTY, and is adjudged GUILTY as charged. Pre-sentence report is due from the Probation officer, and the case is set for sentencing on the May 16, 1972, docket at 10:00 A.M. Deft. is to stand on present bond. (AEB-J)v
5-16-72	Def. present in person and rep. by Mallie M. Norton, ret. counsel. The govt. rep. by Ben F. Baker. Judgment and Sentence- Archie Dale Miller (25) It is adjudged that the defendant is hereby committed to the custody of the Atty Gen or his authorized rep. for the maximum period of Five (5) years, for a study as described in 18 U.S.C.A. § 4208(c), the results of such study to be furnished this court within 90 days, whereupon the sentence of imprisonment herein imposed maybe subject to modification in accordance with 18 U.S.C.A. § 4208(b) IT IS ADJUDGED that execution is stayed until Tuesday, May 30, 1972 at 9:30 A.M. at such time the defendant will report to the U.S. Marshal. Bond continued.(AEB-J)h
5-16-72	Order of J&C filed and entered. Two c.c. to U.S.M. (AEB-J)h
5-19-72	Return of writ of HC ad prosequendum, filed. On 5/9/72, transported def. <u>Brinlee</u> from OSP McAlester, Okla. to U.S.M. Office in Tulsa. On 5/12/72 returned def. <u>Brinlee</u> to OSP in McAlester. rm
5-19-72	Return of warrant for arrest of def. <u>Brinlee</u> , filed. Returned unexecuted as def. arraigned on writ HCAP. rm
5-19-72	Return of warrant for arrest of def. <u>Miller</u> , filed. Def. Miller arrested at 222 S. Peoria, Tulsa, Okla., on 5/3/72, brought before Mag. Bradford w/bond at \$10,000. rm
6-19-72	Order for Refund of cash bond to Archie Dale Miller, sr., filed. (AEB-J)r
6-20-72	Deft. Garland Rex Brinlee, Jr.'s Application for Continuance, filed. r <i>copy to Judge</i>
6-21-72	Order, filed, that the Deft., Garland Rex Brinlee, Jr., be granted 30 days within which to file pre-trial motions before this court. (AEB-J)v
6-28-72	Return on J & C, filed. Executed by arresting Deft. on 5-3-72, released on bond on 5-5-72. Further executed by delivering deft. on 5-30-72 to Tulsa County Jail and still further executed by delivering deft. to Fed. Corrections Institution in Texarkana, Texas on 6-8-72. v <u>RE: Archie Dale Miller.</u>
6-30-72	Motion of def. Brinlee, Jr. for the Prod. of Evidence favorable to the accused filed.h
6-30-72	Motion to dismiss of def. Brinlee filed.h
6-30-72	Motion to discover and inspect of Brinlee filed.h
6-30-72	Motion for disclosure of matters occurring before the Grand Jury of Brinlee filed
6-30-72	Motion to disclose witnesses of the govt who will appear at the time of trial of def. Brinlee filed.h
7-3-72	Pltf's response to def't's pre-trial motions, filed. hm
7-14-72	Case set for jury trial 8-21-72 at 9:30 a.m. (AEB-J)hm
7-28-72	Deft's motion for continuance, filed. hm <i>copy to Deft.</i>
8-4-72	Petition for Writ of Habeas Corpus Ad Prosequendum, regarding Garland Rex Brinlee, Jr., Deft., filed. v -order & writ to Judge.
8-8-72	Order Granting Writ of Habeas Corpus, (AEB-J) filed. js
8-8-72	Writ of Habeas Corpus Ad Prosequendum (for 8-9-72 at 10:00) Issued. js

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DATE	PROCEEDINGS
8-9-72	Def. Garland Rex Brinlee, Jr., present in person and represented by Jms. Frasier, appearing for Thomas Frasier, ret. counsel. The govt rep. by Ben F. Baker. Def. makes oral request for Ct. appt. Counsel, to replace Thomas Dee Frasier, ret Counsel, and also makes motion for change of venue. Request for Ct. appt. counsel, is granted, and John K. Harlin is appointed to represent the defendant. Def.'s motion for change of Venue is granted by the court, and case to be transferred, with unrulid motions.(Mo to dismiss and for continuance) Ct. directs def. to sign affidavit in forma pauperis, and it is signed. Ben F. Baker to prepare proper order of hearing, and order of transfer.(AEB-J)h (List of attorneys for appointment filed in open court.)
8-9-72	It is ordered that this case stricken from jury docket of 8-21-72.(AEB-J)h
8-11-72	Order on Defendant's motion filed and entered. It is ordered that counsel Jm. and Thomas Frasier are relieved of further duties as counsel for Def. Brinlee, and Mr. John K. Harlin, Jr. is appointed as counsel; FURTHER ORDERED that all def's motion now pending are held in abeyance, to be heard by the Court in the District where the case will be transferred FURTHER ORDERED that def's appl. for cnange of venue is granted, with the court to rule at a later time on which District will hear cause.(AEB-J)
8-15-72	Order filed and entered that this case be transferred to the United State District Court for the District of <u>Dakota</u> .(Allen E. Barrow-Judge)h -copies North mailed.
8-22-72	Application of John K. Harlin, Jr., Rex Brinlee's Atty., to withdraw as court appointed atty., filed. v -order to Judge.
8-31-72	Petition for writ of H.C. ad prosequendum, re <u>Miller</u> , filed. rm - order w/writ to Judge
9-1-72	Order granting defedant Archie Dale Miller writ of habeas corpus ad prosequendum, filed. To appear in US Dist. Court room at 10:00 AM. 9-12-72 for definitive sentence, (AEB-J) ds Writ issued. ds
9-11-72	Def. present in person and rep. by Mallie M. Norton, ret counsel. The govt rep. by Ben Baker. Judgment and Sentence- ARCHIE DALE MILLER
	It is adjudged that the def. is hereby committed to the custody of the Atty Gen or his authorized rep. for imprisonment for a period of Three (3) years.
	IT IS FURTHER ADJUDGED by the court that the defendant may become eligible for parole at such time as the board of parole may determine as provided in Title 18 , U.S.C. 4208(a)(2) (AEB-J)h
9-11-72	Order of J&C filed & entered. (AEB-J)h Two c.c. to U.S. M. (h)
9-27-72	Marshal's return of service of writ of HC ad prosequendum, filed. rm
10-5-72	Marshal's return of service of J&C, filed RE MILLER. rm Delivered def. Miller to Federal Reform at El Reno,Okla. on 9/27/72.
10-27-72	Return on writ of hab eas corpus ad prosequendum, Re. Miller, filed. Executed by picking up defendant Miller at Federal Reformatory at El Reno, Okla, and delivering him to Tulsa County Jail, Tulsa, Okla on 9-8-72. ds

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DATE	PROCEEDINGS
12-18-72	<p>Order modifying judgment and sentence as to ARCHIE DALE MILLER, filed and entered; sentence entered 9-12-72 modified to read as follows:</p> <p>IT IS ADJUDGED that deft. is a person eligible for treatment under the Federal Youth Corrections Act and that he does not need commitment, that the imposition of sentence is suspended, and the defendant, Archie Dale Miller, is placed on two (2) years probation pursuant to 18 U.S.C. §5010(a).</p> <p>It is ordered, adjudged and decreed that a special condition of probation is that the defendant enroll in school and so remain enrolled until he has completed his college education and obtained a degree.</p> <p>IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the provisions of 18 U.S.C. §5021(b) shall and do apply to the sentence herein imposed.</p> <p>It is the intention of this Order of Modification of Sentence that the defendant Archie Dale Miller be released from jail type or institutional custody forthwith and in no event later than the 22nd day of December, 1972. (AEB-J)g (c.c. of Order to deft. Miller, Warden, Fed. Reformatory, El Reno, US Atty and Prob. Officer.)</p>
11-8-74	Order, filed, unconditionally discharging Archie Dale Miller from probation. (AEB-J)k
11-8-74	Order, filed, setting aside judgment of conviction. (AEB-J)k (as to A. D. Miller)



[illegible]

Dated May 4, 1972

*Mark B. B...*  
United States Magistrate